



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,392	06/25/2003	Eric R. Kern	RPS920030079US1	4794
63638 7590 12/09/2010 STREETS & STEELE - IBM CORPORATION 13100 WORTHAM CENTER DRIVE, SUITE 245 HOUSTON, TX 77065				
EXAMINER				
BRUCKART, BENJAMIN R				
ART UNIT		PAPER NUMBER		
2478				
MAIL DATE		DELIVERY MODE		
12/09/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC R. KERN, BRANDON J. ELLISON,
JAMES A. DAY, JR., and SHANE M. LARDINOIS

Appeal 2009-009154
Application 10/606,392
Technology Center 2400

Before ALLEN R. MacDONALD, ROBERT E. NAPPI, and
MARC S. HOFF, *Administrative Patent Judges*.

MacDONALD, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF CASE

Introduction

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1, 22-25, and 36-44. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

Exemplary independent claim 1 under appeal reads as follows:

1. A method for providing simultaneous access between a storage drive and a plurality of blade servers, the method comprising:

configuring the plurality of blade servers to simultaneously connect with the storage drive, wherein the plurality of blade servers is managed by a management system and the storage drive is coupled to the management system;

each blade server of the plurality of blade servers simultaneously routing data packets between the management system and the blade server; and

the management system managing simultaneous access of the plurality of blade servers to the storage drive, including routing the data packets received from the plurality of blade servers to the storage drive.

Appellants' Contention

Appellants contend that the Examiner erred in rejecting claims 1, 22, 23, 36, 40, and 41 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sakthikumar (US 2004/0181601 A1) and Bottom (US 2002/0124114 A1) because “Bottom fails to disclose that a plurality of blade servers can simultaneously access a storage device.” (App. Br. 6).²

² The rejections of the remaining claims under 103(a) are not separately argued from the rejection of the independent claims 1, 22, and 40.

Issue on Appeal

Did the Examiner err in rejecting claims 1, 22, and 40 as being obvious because Bottom fails to teach the argued simultaneous access?

ANALYSIS

We agree with Appellants' contention, *supra*.

CONCLUSIONS

(1) Appellants have established that the Examiner erred in rejecting claims 1, 22-25, and 36-44 as being unpatentable under 35 U.S.C. § 103(a).

(2) On this record, claims 1, 22-25, and 36-44 have not been shown to be unpatentable.

DECISION

The Examiner's rejections of claims 1, 22-25, and 36-44 are reversed.

REVERSED

babc

STREETS & STEELE - IBM CORPORATION
13100 WORTHAM CENTER DRIVE, SUITE 245
HOUSTON, TX 77065